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United States District Court
For the Northern District of California

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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11   SYMANTEC CORPORATION,   No. C 12-00700 SI

12   Plaintiff,   **ORDER GRANTING THE PARTIES'
                                                  MOTIONS TO FILE UNDER SEAL**
13   v.

14   VEEAM SOFTWARE CORPORATION,

15   Defendant.
                                          /
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17   On May 14, 2014, defendant Veeam Software Corporation ("Veeam") filed a motion to strike

18   Symantec Corporation's ("Symantec") amended infringement contentions. Docket No. 194. On May

19   28, 2014, Symantec filed its opposition to Veeam's motion. Docket No. 205. On June 4, 2014, Veeam

20   filed its reply in support of its motion. Docket No. 212. Currently before the Court are the following

21   motions to file under seal: (1) the parties' stipulation to file under seal exhibit 17 to Veeam's reply

22   [Docket No. 213] and (2) the parties' stipulation to file under seal exhibits F and L to Symantec's

23   opposition [Docket No. 206].

24   With the exception of a narrow range of documents that are "traditionally kept secret," courts

25   begin their sealing analysis with "a strong presumption in favor of access." *Foltz v. State Farm Mut.*

26   *Auto. Ins.*, 331 F.3d 1122, 1135 (9th Cir. 2003). When applying to file documents under seal in

27   connection with a dispositive motion, the submitting party bears the burden of "articulating compelling

28   reasons supported by specific factual findings that outweigh the general history of access and the public

1   policies favoring disclosure, such as the public interest in understanding the judicial process."

2   *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotations

3   and citations omitted). However, when a party seeks to seal documents attached to a non-dispositive

4   motion, a showing of "good cause" under Federal Rule of Civil Procedure 26(c) is sufficient. *Id.* at

5   1179-80; *see also* Fed. R. Civ. P. 26(c). In addition, all requests to file under seal must be "narrowly

6   tailored," such that only sealable information is sought to be redacted from public access. Civil Local

7   Rule 79-5(b). Because Veeam's motion to strike the infringement contentions is a non-dispositive

8   motion, the "good cause" standard applies. *See Asus Computer Int'l v. Round Rock Research, LLC*,

9   Case No. 12-cv-02099 JST (NC), 2014 WL 465363 (N.D. Cal. Feb. 3, 2014) (stating that a motion to

10   strike is a non-dispositive motion).

11   The parties move to seal exhibit 17 to Veeam's reply to Symantec's opposition. Docket No. 213.

12   The parties also move to seal exhibits F and L to Symantec's opposition. Docket No. 206. To make

13   the showing of good cause, the moving party must make a "particularized showing" that "'specific

14   prejudice or harm'" will result if the information is disclosed. *Kamakana*, 447 F.3d at 1180, 1186;

15   *accord Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210-11 (9th Cir. 2002).

16   "Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning" are

17   insufficient to establish good cause. *Beckman Indus., Inc. v. Int'l Ins. Co.*, 966 F.2d 470, 476 (9th Cir.

18   1992).

19   The parties have submitted declarations in support of the parties' stipulations to seal exhibit 17

20   to Veeam's reply and exhibits F and L to Symantec's opposition. Docket Nos. 209, 206, 213. The

21   parties argue that exhibit 17 and exhibits F and L should be filed under seal because they disclose

22   "Highly Confidential - Attorney's Eyes Only" content and discuss confidential information about the

23   operation of the parties' products. Docket No. 213, Block Decl. ¶ 2; Docket No. 206, Cassidy Decl. ¶

24   2; Docket No. 209, Block Decl. ¶ 2. The parties explain that the disclosure of this information would

25   cause both parties harm because the documents include descriptions of the source code of the parties'

26   products. *Id.* The parties also assert that public disclosure of their highly sensitive, confidential source

27   code would destroy the value of their products and would result in competitive injury to the parties. *Id.*

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1   After reviewing the attached declarations, the Court concludes that the parties have shown good cause

2   for sealing exhibit 17 to Veeam's reply and exhibits F and L to Symantec's opposition.

3   In addition, the parties' requests are narrowly tailored because they seek to redact only the

4   sealable information from the exhibits. Accordingly, the Court GRANTS the parties' joint motions to

5   seal. Docket Nos. 206, 213.

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7   **IT IS SO ORDERED.**

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10   Dated: June 12, 2014   _____
                                                                SUSAN ILLSTON
11   UNITED STATES DISTRICT JUDGE

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